

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

LUCILA LEAL

§

§

VS.

§

§

CIVIL ACTION NO. _____

**LA JOYA INDEPENDENT
SCHOOL DISTRICT**

§

§

DEFENDANT’S NOTICE OF REMOVAL

Defendant files this notice of removal under 28 U.S.C. §1446(a).

A. INTRODUCTION

1. Plaintiff is Lucila Leal; Defendant is La Joya Independent School District.
2. On April 24, 2020, Plaintiff sued Defendant for disability discrimination in violation of Chapter 21 of the Texas Labor Code, the Americans with Disabilities Act of 1990 (“ADA”) and the Age Discrimination in Employment Act of 1976 (“ADEA”). Indeed, Plaintiff’s Original Petition alleges that Defendant’s termination of her employment was “motivated” by “unlawful age discrimination in violation” of the above-referenced federal laws. *See* Plaintiff’s Original Petition at p. 3. Plaintiff’s lawsuit was assigned cause number CL-20-1941-G, filed of record in County Court at Law No. 7, Hidalgo County, Texas.

3. Defendant was served with the suit on May 12, 2020. Defendant files this notice of removal within the 30-day time period required by 28 U.S.C. §1446(b). *Bd. of Regents of Univ. of Tex. Sys. v. Nippon Tel. & Tel. Corp.*, 478 F.3d 274, 278 (5th Cir. 2007).

B. BASIS FOR REMOVAL

4. Removal is proper because Plaintiff’s suit involves a federal question. 28 U.S.C. §§1331, 1441(a); *Grable & Sons Metal Prods., Inc. v. Darue Eng’g & Mfg.*, 545 U.S. 308, 312 (2005); *Broder v. Cablevision Sys. Corp.*, 418 F.3d 187, 194 (2d Cir. 2005); *Peters v. Union Pac.*

R.R., 80 F.3d 257, 260 (8th Cir. 1996). Specifically, Plaintiff asserts purported violations of the ADA and the ADEA.

5. Copies of all pleadings, process, orders, and other filings in the state-court suit are attached to this notice as required by 28 U.S.C. §1446(a). *See* Exhibit A.

6. Venue is proper in this district under 28 U.S.C. §1441(a) because the state court where the suit has been pending is located in this district.

7. Defendant will promptly file a copy of this Notice of Removal with the clerk of the state court where the suit has been pending

C. JURY DEMAND

8. Plaintiff did demand a jury in the state-court suit

D. CONCLUSION

9. For these reasons, defendant asks the Court to remove the suit to the U.S. District Court for the Southern District of Texas, McAllen Division.

Respectfully submitted,

**SCHULMAN, LOPEZ,
HOFFER & ADELSTEIN, LLP**

/s/ Ricardo R. Lopez

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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on the 27th day of May 2020, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Mauro F. Ruiz, Ruiz Law Firm, PLLC, 118 W. Pecan Blvd., McAllen, Texas 78501;
Email: mruiiz@mruizlaw.com and admin@mruizlaw.com; Attorney for Plaintiff.

/s/ Ricardo R. Lopez
Attorney for Defendant